

For The Middle District of  
Alabama, Northern Division

Rennie Townsend  
Plaintiff

vs.

Lt. Copeland, Et Al,  
Respondents

Civil Action No:  
2:06CV564

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
MOBILE

"Motion For Reconsideration"

Come now the plaintiff Rennie Townsend  
(Hereinafter Townsend) and moves this  
Honorable Court with his Motion For  
Reconsideration and states the following in  
support:

1. On the 28<sup>th</sup> day of May 2006, Townsend  
files his civil complaint Alleging;

A.

On or about the 24<sup>th</sup> day of May, 2004 the  
defendants cause him injury by subjecting him to  
cruel and unusual punishment in violation of  
the Eighth Amendment to the United States  
Constitution, made applicable to the states through  
the Fourteenth Amendment, that is lack of  
medical treatment, retaliation violation of his  
due process and unconstitutional conditions of  
confinement.

- ② On the 28<sup>th</sup> day of June 2006 magistrate judge Charles S. Looney grants plaintiff's ~~informal~~ ~~pauper's~~ status pursuant to 28 U.S.C., Sec. 1915(b)(1) and 1915(b)(2).
- ③ After several extensions the defendants files their answer and special report on the 7<sup>th</sup> day of August, 2006.
- ④ On the 3<sup>rd</sup> day of October, 2006 Townsend files his response.
- ⑤ On the 2<sup>nd</sup> day of October, 2006 the magistrate issues an order granting motion to substitute and amend caption ~~Edward~~ Edward as a defendant. He was also ordered to file his special report by October 23, 2006.
- ⑥ On the 14<sup>th</sup> day of December, 2006 the court issues an order that an evidentiary hearing was necessary to determine the date of filing for his complaint.
- ⑦ On the 1<sup>st</sup> day of January, 2007 the court issues an order setting the hearing date to be the 20<sup>th</sup> day of February, 2007.
- ⑧ On the 26<sup>th</sup> day of March, 2007 the defendants files their supplemental special report.
- ⑨ The hearing was rescheduled for the 20<sup>th</sup> day of March, 2007.

- (10.) During the hearing testimony was given that Townsend's mail had been tampered with in the past. That he put three(s) stamps on the envelope, but they were removed and mailed out late.
- (11.) On the 23<sup>rd</sup> day of April, 2007 United States District Judge Myron K. Thompson issues an order. The Magistrate's report and recommendation was to be adopted. He also issues and order, Judgment and Decree that the case was dismissed with prejudice pursuant to §28 U.S.C. sec. 1915.

Reason Why Motion  
is to be Granted

At no time did Townsend receive a copy of the Magistrate's Report and Recommendation. He moves the Court pursuant to rule 20(d), Federal Rules of Evidence to take Judicial Notice of the entire record on this cause, as well as the "Legal Mail Log" for the month etc., His copy of the Magistrate Report was attested to have been forwarded to him.

A REVIEW of the legal mail let for "incoming" mail will clearly show that Townsend was not afforded a full and fair opportunity to file his Objection to the Magistrate's Report and Recommendation (see exhibit A)

Wherefore, for the reasons stated above Townsend humbly prays the court grant this motion and provide Townsend a separate opportunity to exercise his rights as a citizen of these United States of Alabama.

DATE: 5-20-07

Respectfully Submitted  
s/ Ronnie Townsend

### Certificate of Service

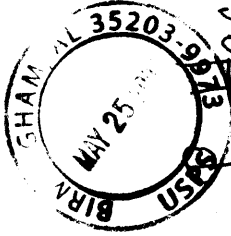
Alabama Department of Corrections  
301 - South Riley Street  
Montgomery, AL, 36130

DATE: 5-20-07

Pursuant to Houston v. Lack  
487 U.S. 266 (1988)

Ronnie Townsend #121142  
A-27-L  
100 Warrior Lane  
Bessemer, Ala.  
35023-7299

(Legal Mail)



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United States District Court  
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Montgomery, Alabama  
36101-0711